

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TERENCE FAIR,  
Plaintiff,

v.

STATE OF NEVADA, et al.,  
Defendants.

Case No. 2:22-cv-00603-GMN-EJY

**ORDER**

**I. DISCUSSION**

On April 11, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections, submitted an application to proceed *in forma pauperis* (“IFP”), Motion to Defer *In Forma Pauperis*, and a civil rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP application is incomplete because Plaintiff failed to fill in the blanks or answer any question on the form, and failed to submit a financial certificate and inmate account statement for the previous six month period. In the Motion to Defer *In Forma Pauperis* Plaintiff states that he sought a financial certificate and account summary from prison authorities in October 2021 and January 2022, but has received neither.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, allowing the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed Application to Proceed in Forma Pauperis for Inmate, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

## II. ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

IT IS FURTHER ORDERED that Plaintiff is granted a **one time extension** to file a fully complete *in forma pauperis* application containing all three of the required documents. Plaintiff must file a fully complete *in forma pauperis* application or before **June 20, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time.

IT IS FURTHER ORDERED that if Plaintiff is unable to file a fully complete *in forma pauperis* application with all three required documents on or before **June 20, 2022**, the Court will recommend this case be dismissed without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete *in forma pauperis* application.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the *in forma pauperis* application. Alternatively, Plaintiff may choose not to file an *in forma pauperis* application and instead pay the filing fee of \$402 on or before **June 20, 2022** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court will not file the complaint unless and until Plaintiff timely files a fully complete *in forma pauperis* application with all three documents or pays the \$402 filing fee.

1 IT IS FURTHER ORDERED that the Clerk of Court must send Plaintiff the approved form  
2 application to proceed *in forma pauperis* by an inmate, as well as the document entitled information  
3 and instructions for filing an *in forma pauperis* application.

4 Dated this 19th day of April, 2022.

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6 ELAYNA J. YOUCHAK  
7 UNITED STATES MAGISTRATE JUDGE  
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